

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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: GARDEN CITY BOXING CLUB, INC., :
: Plaintiff, :
:

-v- :
:

EL CHICANITO REST. BAR INC. :
d/b/a EL CHICANITO RESTAURANT BAR :
and ENEDINA MAGDALENO, :
Defendant. :

07 Civ. 4738 (DLC)

ORDER

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: GARDEN CITY BOXING CLUB, INC., :
: Plaintiff, :
:

-v- :
:

PEEK A BOO SPORTS BAR INC. :
d/b/a PEEK A BOO SPORTS BAR :
and ELSA BADIA, :
Defendants. :

07 Civ. 4739 (DLC) ←

(Duplicate Original)

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DENISE COTE, District Judge:

The plaintiff filed these actions on June 4, 2007. The defendants have not appeared. On September 20, one day before the date on which initial pretrial conferences were scheduled, the plaintiff indicated its intention to seek default judgments. On September 27, 2007, the plaintiff mailed the Court proposed Orders to Show Cause seeking default judgments against the defendants. An Order to Show Cause was issued in each case on October 1, with default hearings set for October 26. By the terms of the Orders to Show Cause, the plaintiff was to serve

the Orders and annexed affidavit upon the defendants on or before October 5 and to file proof of service in the Clerk's office prior to the hearing. At the time the Order to Show Cause was issued, the plaintiffs were reminded by phone that in order to obtain a default judgment, they would have to follow certain procedures contained in Chambers' Individual Practices in Civil Cases. Two days prior to the scheduled default hearing, the plaintiff was reminded of the requirements contained in the Orders to Show Cause and the Individual Practices. The Orders to Show cause were never served on the individual defendants, and the plaintiff did not demonstrate that it had complied with the default judgment procedures described in the Individual Practices.

On October 26, counsel for the plaintiff appeared and requested leave to withdraw and refile the Orders to Show Cause. As stated on the record, the plaintiff was granted leave to refile a proposed Order to Show Cause by November 30, with a return date of December 14 at 12:30 p.m. On November 29, the Court learned that counsel for the plaintiff would not be able to file a proposed Order to Show Cause by November 30. It is hereby

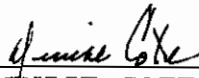
ORDERED that the plaintiff may file renewed proposed Orders to Show Cause no later than January 11, 2008. These Orders to Show Cause shall be returnable on February 8 at 12:00pm. They

are to be filed and supported according to the procedure set forth in this Court's Individual Practices in Civil Cases.

IT IS FURTHER ORDERED no further extensions will be granted. If the plaintiff does not file a properly supported Order to Show Cause by January 11 and comply with this Chambers' Individual Procedures in Civil Cases, the Southern District of New York Local Rules of Civil Procedure, and Federal Rules of Civil Procedure, the above-captioned actions will be dismissed.

SO ORDERED:

Dated: New York, New York
December 3, 2007



DENISE COTE
United States District Judge